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IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA,
FOR THE WESTERN DISTRICT OF MISSOURI,
WESTERN DIVISION.

November Term, 1927.

WESTERN DISTRICT OF MISSOURI,

ss

WESTERN DIVISION;

INDICTMENT.

COUNT I.

The grand jurors for the United States of America, duly and legally chosen, selected, summoned and drawn from the body of the Western District of Missouri, and duly and legally examined, sworn and charged to inquire of and concerning crimes and offenses against the United States of America in the Western District of Missouri, on their oaths present and charge that on the 15th day of December, 1926, at Number 2547 Agnes Avenue, in Kansas City, Jackson County, Missouri, in the Western District of Missouri, within the jurisdiction of this court and within the Sixth Internal Revenue District of Missouri, JOE BERTINI, JOE DI GIOVANNI, and TONY TUMMINELLO, did unlawfully, wilfully and feloniously have in their possession and under their control and custody a certain distilling apparatus, towit, a still set up; and the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that the said Joe Bertini, Joe DiGiovanni and Tony Tumminello had not then and there nor theretofore registered the said still and distilling apparatus with the Collector for the Sixth Internal Revenue District of Missouri as is required by law; Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

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COUNT II.

And the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that on the 15th day of December, 1926, at Number 2547 Agnes Avenue, in Kansas City, Jackson County, Missouri, in the Western District of Missouri, within the jurisdiction of this court and within the Sixth Internal Revenue District of Missouri, JOE BERTINI, JOE DI GIOVANNI, AND TONY TUMMINELLO did then and there unlawfully, wilfully and feloniously engage in and carry on the business of a distiller and did operate a distillery for the purpose of distilling alcoholic spirits with the intent to defraud the United States of the tax on the spirits distilled by him; and did then and there unlawfully, wilfully and feloniously carry on the business of a distiller without having given bond as is required by law; Contrary to the form of the statute in such

case made and provided, and against the peace and dignity of the United States of America.

COUNT III.

And the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that on the 15th day of December, 1926, at Number 2547 Agnes Avenue, in Kansas City, Jackson County Missouri, in the Western District of Missouri, within the jurisdiction of this court and within the Sixth Internal Revenue District of Missouri, JOE BERTINI, JOE DI GIOVANNI and TONY TUMMINELLO did unlawfully, wilfully and feloniously, on premises other than a distillery duly authorized according to law, towit, at Number 2547 Agnes Avenue, in Kansas City, Jackson County, Missouri, aforesaid, make, possess and ferment a quantity of mash fit for distillation, towit, 4000 gallons, more or less, the exact amount being to the grand jurors unknown; Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

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COUNT IV.

And the grand jurors aforesaid, upon their oaths aforesaid, further present and charge that on the 15th day of December, 1926, at Number 2547 Agnes Avenue, in Kansas City, Jackson County, Missouri, in the Western District of Missouri, within the jurisdiction of this court and within the Sixth Internal Revenue District of Missouri, JOE BERTINI, JOE DI GIOVANNI and TONY TUMMINELLO did unlawfully, wilfully and feloniously use in a dwelling house located at Number 2547 Agnes Avenue, in Kansas City, Jackson County, Missouri, a still and distilling apparatus for the distillation and manufacture of alcoholic spirits; Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

Harry L. Thomas
Assistant United States Attorney.

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No. 8262

UNITED STATES District COURT,
Western District of Missouri,
Western Division.

THE UNITED STATES OF AMERICA

vs.

Joe Bertini,
Joe Di Giovanni and
Tony Tumminello,

INDICTMENT

Vio: Secs. 3258, 3281, 3282,
and 3266, R.S. of U.S.,

Harry L. Thomas
Asst U.S. Attorney.

A true bill,
Russell F. Greisch
Foreman.

Filed in open Court this 9TH day
of Nov A.D. 19 7

Edwin R. Durham
Clerk.
By E. O'Keefe, DC
Bail, \$

Witnesses:
A. A. Luschen,
C. B. Shields,
M. J. Crewse,